



STATE OF DELAWARE

Division of Development Disabilities Services Task Force

Meeting Minutes – August 28, 2019

1 Senator Stephanie L. Hansen, Co-Chair, called the meeting to order at 1:00 p.m. Those present
2 were Representative Kendra Johnson, Chair, Representative Kevin S. Hensley and Senator
3 Anthony Delcollo via telephone, Marissa Catalon, Deputy Director for the Division of
4 Development Disabilities Service (DDDS), Laura Strmel, Director of Employment Services at St.
5 John's, Gary Cassedy, Vice-President of Programs with Easter Seals, Bianca Allegro, Director of
6 Delaware Mentor, Michele Mirabella, Director of Residential Services for Chimes Delaware,
7 Albert Anderson, Jr., Current Volunteer, former DDDS employee, Roy LaFontaine III, Retired
8 DDDS employee, Terry Hancharick, Chair of the Advisory Council for DDDS, Vice-Chair of the
9 state council for Persons with Disabilities, Kyle Hodges, Policy Director for the state council for
10 Persons with Disabilities, Rita M. Landgraf, University of Delaware, also former Cabinet
11 Secretary for Department of Health and Social Services, former Executive of the Arc, Allan R.
12 Zaback, Wilmington University, Chair of the Administration of Human Services Graduate
13 Program, Retired former Director of the State Division of Aging, and former DDDS employee. A
14 quorum was met.

15 Co-Chair Hansen offered an explanation of the tabs in the binders that would be discussed at the
16 meeting. Senator Hansen then welcomed everyone and asked for introductions of those present
17 and the agency/organization they represent.

18 Co-Chair Hansen started the meeting with the approval of the minutes. Prior to the motion, Albert
19 Anderson offered an amendment to change his words from "one service provider" to "one service
20 record". A motion was made to accept the minutes with the requested changes by Rita Landgraf
21 and seconded by Representative Hensley. With all in favor and no opposed, the motion carried.

22 Co-Chair Hansen moved to item 3 on the agenda, the discussion of proposed regulations. Co-Chair
23 Hansen asked to hear from DDDS regarding the status of the regulations. Marissa Catalon stated
24 that a new draft of the proposed regulations, incorporating a number of changes suggested through
25 the first public comment period, were being posted on September 1. Therefore, an additional public
26 comment period, through September 30, would be offered.

27 The discussion opened with Co-Chair Hansen recognizing Bianca Allegro, who read a statement
28 from the Ability Network of Delaware expressing concerns about how the Division was managing
29 incidents within the agency. The discussion then continued with the proposed regulations. Kyle
30 Hodges asked why 2 different titles of the Del. Code were cited on the Public Notices: Title 31

31 and Title 29. Marissa Catalon stated that she would look into the answer. Co-Chair Hansen asked
32 Marissa Catalon to provide an overview as well as the goals of the proposed regulations.

33 Members of the task force began to discuss the summary of Public Comments with the responses
34 from DDDS. There were questions asked surrounding the difference between a critical and non-
35 critical incident and when an incident becomes reportable. Co-Chair Hansen asked for DDDS to
36 clarify the varying types of incidents. The conversation continued at length regarding the various
37 processes for the different types of incidents, and how investigations are conducted depending on
38 the situation.

39 Co-Chair Hansen asked Marissa Catalon for a copy of the Joint Report from the Inspector
40 General's office that had been referenced during the discussion. Rita Landgraf suggested an
41 individual from the Delaware Department of Justice attend a future meeting to clarify some of the
42 questions surrounding collaborative and concurrent incident investigations as well as what
43 information from an investigation can and cannot be released to providers and family members by
44 DDDS.

45 Senator Delcollo requested that a visual aid, like a flow chart or other graphic, showing the
46 complete incident investigation process be drafted to aid in the task force's understanding of the
47 proposed regulations. Laura Strml wanted to clarify if the request for the flow chart by Senator
48 Delcollo be created by DDDS or the provider community. Senator Delcollo and Co-Chair Hansen
49 expressed the desire for DDDS to create the flow chart.

50 Co-Chair Hansen reiterated that the recommendations coming from this task force do not have to
51 be rooted in immediate action, but could instead suggest further study or action by other entities.

52 Kyle Hodges asked if there was a list of the Federal and State mandates that DDDS is required to
53 adhere to. This could assist the task force in making any recommendations that would require
54 changes to state law.

55 Senator Delcollo suggested that a regulatory guideline process would also be of assistance.

56 Terry Hancharick stated that one focus moving forward should be keeping the families informed
57 in some way regarding incidents and investigations. Rita Landgraf suggested that could be part of
58 the discussion with the representative from the Attorney General's Office. Deputy Attorney
59 General Aaron Goldstein was suggested.

60 Michelle Mirabella stated that most of the meeting only focused on two small sections of the
61 proposed regulations. It was her hope that task force members and the public in attendance would
62 remember to keep the discussion on topic due to the limited time the task force has to discuss
63 concerns.

64 Co-Chair Hansen reminded members that the next meeting would focus on the investigation
65 process while including information on the training process surrounding investigators.

66 Co-Chair Hansen opened the floor for a brief discussion on the training process. Those in
67 attendance expressed concerns surrounding the lack of training opportunities and who was
68 responsible for conducting training courses. Laura Strmel said she participated in a training in
69 2015, became state-certified, but was never called upon, nor offered the opportunity to re-train.

70 The meeting concluded at 3:24pm.

71 Respectfully prepared by:

72 Amanda McAtee and Mark Brainard, Jr., JLOSC Analysts, Joint Legislative Oversight and Sunset
73 Committee.

74 *Access to the audio recording of this proceeding is available upon request.*